

REMARKS

Basis for the amendments to claim 1 may be found in original claim 21 and at page 32, lines 17-27. Basis for the amendments to claim 25 may be found in original claim 31 and at page 32, lines 17-25.

In paragraph 2 of the Office Action, claims 1, 8, 10-13, 21 and 25 stand rejected under 35 USC 102(b) as being anticipated by the '119 Japanese patent. The Examiner states that the '119 Japanese patent discloses a label 1 with an overcoat layer containing beads which will impart a tactile feature to the label. This rejection is respectfully traversed. The claims as now submitted define the invention including a pressure sensitive adhesive. The '119 Japanese patent is silent on the use of pressure sensitive adhesives for the in-line molding label disclosed in the '119 patent. Further, the '119 patent discloses hot melt adhesives (a class of adhesives that uses high temperature to activate the adhesive compared to pressure sensitive adhesive which uses pressure to activate the adhesive) and is consistent with the intended use disclosed in the '119 patent, that is in-line labeling of polymer blow molded containers. The '119 patent is not anticipatory as pressure sensitive adhesives are not disclosed and it is respectfully requested that the 35 USC 102(b) rejection be reconsidered and withdrawn.

In paragraph 3 of the Office Action, claims 25, 32 and 33 stand rejected under 35 USC 102(b) as being anticipated by Bohan et al. The Examiner states that Bohan et al discloses an image with particles which impart roughness and that the overcoat can be formed from vinyl polymer. This rejection is respectfully traversed. The claims now submitted define the invention including a pressure sensitive adhesive. Bohan et al does not disclose the use of an image on a base that has a lower pressure sensitive adhesive. Therefore the Bohan et al patent is not anticipatory and it is respectfully requested that the 35 USC 102(b) rejection be reconsidered and withdrawn.

In paragraph 5, claims 1, 8, 10, 11, 12, 13, 21, 22, 31, 37, 38 and 39 are rejected under 35 USC 103(a) as being unpatentable over Bohan et al in view of the '119 Japanese reference. The Examiner states that Bohan et al discloses applicants' basic inventive concept, an image formed using silver halide with an overcoat that imparts tactile features to the image. The Examiner states

that the '119 Japanese reference discloses old tactile image art. Bohan et al discloses a clear protective coat that is provided to a portion of the surface of a photographic image utilizing polymer toner particles. The '119 Japanese reference discloses the use of an in-line molded label containing a hot melt adhesive and an overcoat layer containing inorganic beads. The '119 Japanese reference and Bohan et al do not teach the use of an image on a base that has a lower pressure sensitive adhesive. Further, the Bohan et al reference and the '119 Japanese references do not provide a reasonable expectation of success as pressure sensitive adhesives are not suitable for toner fused photographic materials and in-line blow molded labels. Therefore, there is no suggestion of any combination of Bohan et al and '119 Japanese reference that would lead one to the instant invention and it is respectfully requested that the 103(a) rejection be reconsidered and withdrawn.

In paragraph 6 of the Office Action, claims 9, 14, 16, 17 and 19 stand rejected under 35 USC 103(a) as being unpatentable of the Japanese '119. The Examiner states that the '119 reference discloses applicants' basic inventive concept, a label with tactile features from particles in an overcoat, substantially as claimed with the exception of forming Braille characters or only texturing a portion of the layer. The Sokyrka patent discloses a method for forming 3 dimensional signs and lettering using a printing compound that includes ultraviolet radiation curable resin and a filler mixed with resin to form a paste. The paste is then applied to a substrate manually or by a computer controlled dispensing apparatus and subsequently ultraviolet cured. This rejection is respectfully traversed. Both the '119 Japanese reference and the Sokyrka patent do not disclose the use of an image on a base that has a lower pressure sensitive adhesive. Therefore, there is no suggestion of any combination of Sokyrka and '119 Japanese reference that would lead one to the instant invention and it is respectfully requested that the 103(a) rejection be reconsidered and withdrawn.

In paragraph 7 of the Office Action, claims 35 and 36 stand rejected under 35 USC 103(a) as being unpatentable over Bohan et al in view of Sokyrka. The Examiner states that Bohan discloses applicants' basic inventive concept, and image with tactile features from particles in an overcoat, substantially claimed with the exception of forming the layer using a primer and UV cured outer layer and forming the overcoat layer as discontinuous. Both

Bohan et al and the Sokyryka patent do not disclose the use of an image on a base that has a lower pressure sensitive adhesive. Therefore, there is no suggestion of any combination of Bohan et al and Sokyryka that would lead one to the instant invention and it is respectfully requested that the 103(a) rejection be reconsidered and withdrawn.

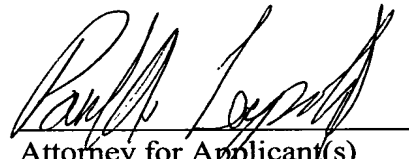
In paragraph 8 of the Office Action, claim 23 stands rejected under 35 USC 103(a) as being unpatentable over the '119 Japanese patent in view of Yamada. The Examiner states that the '119 Japanese patent discloses applicants' basic inventive concept, a label with tactile features from particles in an overcoat, substantially as claimed with the exception of forming the outer layer from gelatin. The Examiner states that Yamada shows gelatin to be old in the art. Yamada discloses a silver halide photographic material suitable for rapid processing including a clear base material coated on one side with a gelatin layer and coated on the side opposite, at least one layer containing photosensitive silver halide grains. Yamada does not disclose or teach the use of a thick layer of gelatin to protect an image from the rigors of a packaging label. Further, Yamada and the '119 Japanese reference does not teach the use of an image on a base that has a lower pressure sensitive adhesive. Therefore, there is no suggestion of any combination of the '119 Japanese reference and Yamada that would lead one to the instant invention and it is respectfully requested that the 103(a) rejection be reconsidered and withdrawn.

The following arguments are regarding dependent claims 8 and 14. There is no teaching or motivation to use an overcoat layer having textured surface (applicants' claims 8 and 14) in either Bohan et al and the '119 Japanese reference. Bohan et al and the '119 Japanese reference disclose surface roughness created by inorganic particles in the overcoat layer. Bohan et al (col 5 lines 49-55) state that the disclosed toner particles require fusing at a temperature of between 100 degrees C and 200 degrees C using a pressure of between 5 and 15 MPa. Under these stressful temperature and pressure conditions, a textured surface would be reduced when used in accordance to Bohan et al or in accordance with the in-line molding conditions specified in the '119 Japanese reference. There is no teaching to combine Bohan et al and the Japanese '119 reference to reach an invention that has a textured surface.

The following argument is regarding dependent claim 19. The '119 Japanese reference, Sokyryka and Bohan are silent on the textured surface corresponding to complimentary areas of the image (applicants' claim 19, page 10 lines 19-24). Both Sokyryka and Bohan et al disclose inorganic beads to impart roughness to an image or a portion of an image. The use textured surface corresponding to complimentary areas of the image not obvious in view of any combination of cited references in any of the above-cited references.

Therefore, it is respectfully requested that the rejections under 35 USC 102 and 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", written over a horizontal line.

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